

THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

-
WRIT PETITION No. 20875 OF 2001

-
Dated 3rd October, 2007

Between:

S.Kalavathi

...Petitioner.

And

The A.P.Transco, Vidyut Soudha, Hyderabad,
represented by its Chairman & Managing Director
and others.

...Respondents.

ORAL ORDER:

This writ petition is filed by a consumer of Andhra Pradesh State Electricity Board assailing the provisional assessment notice dated 21.8.2001 issued in Lr.No.ADE/OP/NLG/F/TE43/Nlg.Town I/853.

In the affidavit filed in support of the writ petition, it is stated that the petitioner got the Service Connection No.13201 to her residential house under Category-I, but the respondents alleging that the same is being used for the Category-II purpose, treated it as a malpractice and initiated the proceedings. Further, as per the terms and conditions of the supply as notified under Section 49 of the Electricity (Supply) Act, 1948, by issuing a provisional assessment notice, demand is made to the tune of Rs.66,723.00 plus Rs.50/- towards service charges. It is the case of the petitioner that she is using the said service connection for domestic purposes, which falls under Category-I and, as such, the impugned demand pursuant to the provisional assessment notice is illegal.

This Court at the stage of admission granted interim orders as early as on 8.10.2001 on condition of the petitioner depositing 50% of the demanded amount in the provisional assessment notice.

With regard to various pleas raised by the petitioner, it is a matter of enquiry by the Assessing Authority. As much as the final assessment proceedings are pending before the authority, I dispose of the writ petition directing the respondents to complete the final assessment proceedings, if not already completed, within a period of two months from the date of receipt of a copy of this order. During the finalisation of the proceedings, rest of the demand made under the provisional assessment notice shall stand suspended. It is open to the petitioner to file objections before the Assessing Authority

with regard to her plea that the consumption is to be charged under Category-I but not under Category-II. The amount which is deposited pursuant to the interim orders of this Court shall be subject to the final orders passed after the enquiry is completed by the respondents determining the category of the said service connection.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

3-10-2007 **R.SUBHASH REDDY, J.**
VR
